

REMARKS

This application pertains to a novel separation module.

Claims 1-26 are pending.

The Examiner has imposed a restriction requirement between Claims 1-16 and 26, drawn to a separation module (denoted Group I by the Examiner), and Claims 17-25, drawn to the method for producing the separation module (denoted Group II by the Examiner). Applicants provisionally elected Group I, Claims 1-16 and 26, with traverse, and now affirm that election, with traverse.

Reconsideration and withdrawal of the restriction requirement is respectfully requested. Any search of the separation module itself is certain to include a search of the process for making it, and any search of the process would also turn up the products made by that process. Accordingly, no additional burden would be placed on the Patent Office in searching both groups together. By contrast, a very great burden will be placed on Applicant if this restriction requirement is maintained. Applicant will be subjected to twice the cost and effort in prosecuting two patent applications for an invention that should have been included in one, and will also be subjected to the continuing expense of maintaining two separate patents, whereas only one should be required to cover the full invention.

In addition, a further burden will be placed on the public, in that the full scope of Applicants' invention will not be ascertainable from a single patent, and the public will have to find and study two separate patents to ascertain the full scope of Applicants' exclusive rights.

The great additional burden that will be placed on Applicants and the public in maintaining the restriction requirement is far greater than the slight, if any, additional effort that will be needed by the Patent Office in withdrawing the restriction requirement.

It is therefore respectfully requested that the Restriction Requirement be withdrawn.

In the event that the Examiner does not find it possible to withdraw the Restriction Requirement, it is respectfully requested that the non-elected subject matter be rejoined with the elected subject-matter upon allowance of elected subject-matter.

Turning now to the art rejections, claims 1, 2, 7, 11-16 and 26 stand rejected under 35 U.S.C. 102(b) as anticipated by Bellhouse (U.S. 6,217,764).

Somehow the Examiner views Bellhouse as disclosing a bundle of capillaries wherein the distance is established between capillaries by joining. Nowhere in this reference can such a disclosure be found, however.

Bellhouse discloses a porous block which has open passageways passing

through it.

Applicants' claims recite at least one bundle of ceramic capillaries having a distance from each other which is established by joining.

Bellhouse has a porous block with ducts running through it. There are no ceramic capillaries taught or suggested by Bellhouse at all, and certainly no bundle of capillaries which have a distance between them established by joining.

What the Examiner refers to as "capillaries (11)" are not capillaries, they are ducts. The ducts are formed by setting up a group of rods, introducing a clay, glass or other ceramic or porous material into the space between them, heating the material to "fire the clay", and removing the rods. The result is a block with holes (ducts) through it. (Col. 3, lines 50-63).

What the Examiner refers to as "plates (28)" does not exist. The number "28" in Bellhouse designates the clay that is poured around the steel rods, which are then removed. The resulting block essentially defines the ducts, but does not constitute a "plate" that holds individual ceramic capillaries apart.

What the Examiner refers to as a "housing 24" does not exist. The number "24" designates a tubular metal container (col. 3, line 51) for the metal rods mentioned above (i.e., not capillaries). When the fired block of clay is cooled, the metal rods are withdrawn to leave the holes in the block, and the block is retracted from the metal

container (col. 3, line 61).

The end result is a block of clay with holes in it; there is no housing and there are no capillaries!

Note that the technique invented by Bellhouse of using a helical shape could not be used with capillaries (col. 1, paragraph beginning at line 46). Bellhouse thereby teaches away from capillaries.

Figure 7 referred to by the Examiner does not show any capillaries or even ducts. Figure 7 illustrates Bellhouse's process, wherein rods 26 (col. 3, line 52) are surrounded by clay 28 (col. 3, line 55); all within a metal container 24 (col. 3, line 51). As discussed above, the rods are later removed from the clay; and the dried clay is removed from the metal container.

There is nothing to be found anywhere in Bellhouse that is even remotely similar to or suggestive of Applicants' novel module. Bellhouse's filter is completely different than Applicants' separation module, and the rejection of claims 1, 2, 7, 11-16 and 26 under 35 U.S.C. 102(b) as anticipated by Bellhouse (U.S. 6,217,764) should be withdrawn.

Claims 3-6 and 8-9 stand rejected under 35 U.S.C. 103(a) as obvious over Bellhouse (US 6,217,674), because the Examiner thinks it would be obvious to modify Bellhouse's system to specific internal and external diameters, such as those recited in

Applicants' claims.

First of all, the Examiner has not shown anything that would suggest the Bellhouse's holes be made in such dimensions.

Secondly, the language mentioned at col. 1, lines 46 et seq., would seem to indicate that what the Examiner suggests would be impossible!

Furthermore, even if it were possible to manufacture Bellhouse's filter with such dimensions, the differences pointed out above would still exist.

Accordingly, the proposed modification, even if possible, would not transform Bellhouse's filter into Applicants' novel separation module. The rejection of claims 3-6 and 8-9 under 35 U.S.C. 103(a) as obvious over Bellhouse (US 6,217,674) should accordingly now be withdrawn,

In view of the present amendments and remarks it is believed that claims 1-26 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

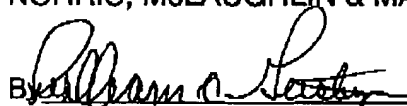
If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

No. 14-1263.


Respectfully submitted,
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I hereby certify that this correspondence is being transmitted via facsimile, no. 571-273-8300 to Mail Stop Amendment United States Patent and Trademark Office, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 17, 2006.

By 
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Date March 17, 2006